

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS



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In The Matter Of

MARSHA ELIZABETH MODERY, M.D.
(APPLICATION FOR LICENSURE)

Respondent.

DECISION

Marsha Elizabeth Modery, M.D., applied for licensure in this state, and her application was considered at the May, 1992, meeting of the Louisiana State Board of Medical Examiners' ("Board") Licensure Committee. It was recommended that the Board deny the application. Dr. Modery was notified of the recommendation, and applied for a hearing on her application.

A licensure hearing was convened before the Louisiana State Board of Medical Examiners ("Board") on Thursday August 20, 1992. Present representing the Board was a quorum of its membership including Drs. Ike Muslow, Elmo J. Laborde, Keith C. Ferdinand, F.P. Bordelon, Jr., Richard M. Nunnally, and Bernard L. Kaplan, with Dr. Kaplan presiding. Also present were Judge Frederick S. Ellis, Independent Counsel for the Board; and Mr. Philip O. Bergeron, Attorney at Law, representing the Board. Applicant was present but was not represented by counsel.

Dr. Modery presently holds an unrestricted license to practice medicine in Pennsylvania. In her application for licensure in Louisiana, she disclosed that she is a recovering alcoholic and drug addict. She sought treatment for these conditions in January, 1987, and completed a 28 day course of inpatient treatment in mid-February, 1987. At that time, her prognosis was considered good, and she has been alcohol and drug free since that time.

She has been a participant in the Impaired Physicians Program of the Pennsylvania Medical Society since the completion of her treatment. Her present contract provided for biweekly participation in outpatient rehabilitation; twice weekly attendance at 12 step program meetings; attendance at Caduceus Club meetings; submission to random drug screens; regular reporting to and contact with the program's representatives; and maintenance of abstinence from drugs and alcohol.

Her therapist and supervising physician concur in the opinion that Dr. Modery "has made significant progress in keeping her disease in stable remission."

The Board notes that Dr. Modery suffers from a back condition which causes her significant pain. The Board further notes that Dr. Modery was convicted of and fined for illegal importation of Marijuana into Bermuda in 1977. She testified to the Board that she declared the substance on entry and made no attempt to smuggle it into Bermuda.

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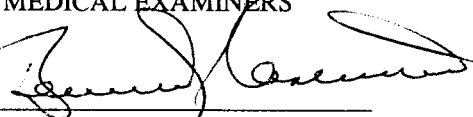
Considering all of the above, it is the opinion of the Board that Dr. Modery be granted an unrestricted license to practice medicine in the state of Louisiana, subject, however, to the following conditions:

- 1) **Aftercare Contract.** Dr. Modery shall enter into and comply with a two year after-care contract with the Impaired Physicians Program of the Louisiana State Medical Society which shall report quarterly to the Board on her satisfactory compliance.
- 2) **Maintenance of Complete Abstinence.** Dr. Modery shall, for the duration of her life, maintain complete and total abstinence from the use of any mood-altering substance except as may be prescribed by a treating physician other than herself for a bona fide medical condition. Violation of this condition shall constitute a group for immediate revocation of Dr. Modery's license.
- 3) **Continuing Medical Education.** Until relieved of these terms, Dr. Modery shall obtain not less than 50 credit hours per year through attendance at and participation in continuing medical education programs (CME) accredited by and qualifying for the Physician's Recognition Award of the American Medical Association. On or before January 1 of each year she shall cause to be submitted to the Board written certification of the CME programs and credits completed by her during the preceding months.
- 4) **Personal Appearance Before the Impaired Physicians Committee.** Dr. Modery shall personally appear before the Impaired Physicians Programs Committee of the Board at its meeting preceding expiration of the LSMS substance abuse aftercare contract referenced in condition (1).

Alexandria, Louisiana, this 17 day of September, 1992.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

By


Bernard L. Kaplan, M.D.
President